

**FINDING OF NO SIGNIFICANT IMPACT
FOR
J.W. CORBETT WILDLIFE MANAGEMENT AREA
PROPOSED LAND TRANSFER
Palm Beach and Martin Counties, Florida**

PURPOSE AND NEED

The Proposed Action is a transfer easement that results in a change in use of lands within the J.W. Corbett Wildlife Management Area (JWCWMA). The easement is comprised of two tracts of JWCWMA lands (Corbett Parcel A and Corbett Parcel B) in Palm Beach County, totaling approximately 30 acres. The purpose of the Proposed Action is to facilitate the construction of key County infrastructure components, specifically County transportation needs and a Florida Power and Light substation. Originally, the JWCWMA lands were acquired in part with Federal funds authorized by the Fish and Wildlife Service to maintain and enhance the ecological integrity, wildlife-related values, and recreational opportunities at the JWCWMA. The Proposed Action (comprised of Alternatives 1A and 1B) will replace the wildlife-related values of the two tracts with lands in Martin County, Florida adjacent to the JWCWMA.

Four alternatives were considered in the Environmental Assessment (EA): 1) the Proposed Action Alternative - 1A and 1B, 2) the No Action Alternative - 2A and 2B, 3) the 3B Alternative, and 4) the 4B Alternative.

PROPOSED ACTION

Alternative 1A: This alternative is identified as part of the Proposed Action alternative and would require the transfer of 1.63 acres (Parcel A) of JWCWMA land. See Figure 2-2 in Section 2.0 of the EA; see Section 2.2.1.1 for a complete description of Alternative 1A.

Alternative 1B: This alternative is identified as part of the Proposed Action alternative and would require the transfer of 28.37 acres (Parcel B) of JWCWMA land. See Figure 2-4 in Section 2.0 of the EA; see Section 2.2.2.1 for a complete description of Alternative 1B.

NO ACTION ALTERNATIVE

Alternative 2A: This alternative is identified as the No-Action alternative and would not require any land from the JWCWMA. See Figure 2-3 in Section 2.0 of the EA; see Section 2.2.1.2 for a complete description of Alternative 2A.

Alternative 2B: This alternative is identified as the No-Action alternative and would not require any land from the JWCWMA. See Figure 2-5 in Section 2.0 of the EA; see Section 2.2.2.2 for a complete description of Alternative 2B.

OTHER ALTERNATIVES EXAMINED

Alternatives 3B and 4B: These alternatives are optional action alternatives and would require the transfer of 8.11 acres and 5.44 acres of JWCWMA land, respectively. See Figures 2-6 and 2-7 in Section 2.0 of the EA; see Section 2.2.2.3 and 2.2.2.4 for a complete description of these alternatives.

SUMMARY OF FINDINGS

Potential impacts associated with the Proposed Action have been assessed with regard to the following environmental resource areas:

Social and Economic Resources

Land Use: Alternative 1A would require the conversion of 1.63 acres of JWCWMA land from conservation use to transportation use. No recreational facilities would be adversely impacted by this alternative. The planned extension of Seminole Pratt Whitney Road is already incorporated into both the Palm Beach County Five-Year Road Program and the Proposed Cost Feasible Plan Highway Network for the Palm Beach County 2030 Long Range Transportation Plan (LRTP).

Alternative 1B would require the conversion of 28.37 acres of JWCWMA land from conservation use to other uses, including roadway for the extension of Seminole Pratt Whitney Road, a Florida Power and Light electrical substation, and a canal/flow way with activities trail. No recreational facilities would be adversely impacted by this alternative; part of the land proposed for the canal/flow way maintenance area would provide for an activities trail connecting to a new trailhead at the JWCWMA South Entrance. The conversion of residential land use in this area for the expanded road right-of-way is already incorporated into both the Palm Beach County Five-Year Road Program and the Proposed Cost Feasible Plan Highway Network for the Palm Beach County 2030 LRTP.

Changes in existing or approved future land uses are anticipated with the Proposed Action. Figure 4-1 in Section 4.2 of the EA, Social and Economic Resources, depicts the currently approved Palm Beach County Future Land Use Map for the area surrounding the Proposed Action and all other alternatives.

Changes in land use associated with the No-Action Alternative 2B would likely include the condemnation or eminent domain process for approximately 20 houses to allow for the proposed electrical power substation and roadway easements that would have to be routed through the residential area known as The Acreage.

Environmental Justice: Table 3-1 in Section 3.1.3 of the EA, Demographics, summarizes the demographics of those census tracts in the general vicinity of the Proposed Action. Table 4-2 in Section 4.2.6 of the EA, Environmental Justice, provides a comparison of median income, minority populations, and poverty level between Palm Beach County and those census tracts in

the general vicinity of the Proposed Action. Based on this information from the 2000 Census, it does not appear that the Proposed Action would adversely affect any minority populations. Additionally, none of the property utilized in the Proposed Action supports fishing and/or hunting opportunities that are not available elsewhere in the immediate vicinity within the 60,288-acre JWCWMA. Therefore, it is anticipated that the Proposed Action will not result in any Environmental Justice consequences.

Cultural Resources: A Cultural Resource Assessment Survey performed for the project found that no historical or archaeological resources listed or eligible for listing on the National Register of Historic Places (NRHP) have been identified. In a letter dated December 13, 2004, the State Historic Preservation Officer (SHPO) concurred with these findings and determined that the land transfer would have no effect on historic properties listed, or eligible for listing on the NRHP or otherwise of historical or archaeological value. A copy of the letter is included in Appendix B of the EA. Further discussion of potential impacts to cultural resources is provided in Section 4.3 of the EA.

Physical Resources

Noise: Florida Department of Transportation (FDOT) and Federal Highway Administration (FHWA) guidelines were used to evaluate the potential traffic noise impacts associated with the Proposed Action. FHWA regulations regarding the impacts of traffic noise and noise abatement criteria in the Code of Federal Regulations (CFR) pertain to noise sensitive sites, defined as areas of frequent human use. According to these regulations, there are no noise sensitive sites in the vicinity of Alternative 1A. In the vicinity of Alternative 1B, noise sensitive land uses consist of single-family residences and a recreation area. Six noise sensitive sites (all residences) in Alternative 1B and nine in Alternatives 2B, 3B, and 4B were identified as having the potential to be affected by traffic-related noise adjacent to Seminole Pratt Whitney Road. No noise sensitive sites (areas of frequent human use) occur in the JWCWMA in the vicinity of the Proposed Action.

Noise abatement measures considered for the affected noise sensitive sites were determined to be not reasonable or feasible. Traffic noise impacts to wildlife and recreational area users were determined to be negligible. Further discussion of potential noise impacts is provided in Section 4.4.1 of the EA.

Air: The project is in an area that was redesignated as an attainment area and entered into a Maintenance Period on April 25, 1995. In order to comply with the Clean Air Act Amendments of 1990, the Palm Beach County Metropolitan Planning Organization (MPO) has produced an Air Quality Conformity Determination Report for the current FY 2005-2009 Transportation Improvement Plan (TIP). Improvements to Seminole Pratt Whitney Road, a County facility, are included in the adopted 2030 LRTP and the Roadway Thoroughfare Plan in the Palm Beach County Comprehensive Plan.

Air quality impacts from fire management activities in the JWCWMA would be minimized by adherence to Best Management Practices (BMPs) as prescribed in the JWCWMA Conceptual Management Plan. The Proposed Action would not have an adverse effect on Palm Beach County air quality. Further discussion of potential air quality impacts is provided in Section 4.4.2 of the EA.

Construction: Construction activities associated with all of the alternatives would result in temporary air, noise, water quality, traffic flow, and visual impacts for those residents and travelers within the immediate vicinity of the project. In all cases, the air quality, noise and vibration, water quality, traffic flow, and visual impacts would be temporary and would be effectively controlled through adherence to FDOT's 2004 Standard Specifications for Road and Bridge Construction, and through the use of BMPs. Other specific construction impact mitigation measures are discussed in Section 4.4.3 of the EA. Impacts related to construction activities for the Proposed Action will be temporary.

Contamination: A Contamination Screening Evaluation (CSE) was conducted for the project alternatives to evaluate the likelihood of environmental contamination present upon, below, or in the immediate vicinity of the Proposed Action. Each of the alternatives was assigned a degree of risk for potential contamination impact: NO, LOW, MEDIUM, or HIGH. These ratings, in general, are based on the current FDOT Project Development and Environment (PD&E) Manual, Chapter 22, Contamination Impacts. Table 4-3 in Section 4.4.4 of the EA provides a summary of the CSE performed for the EA. The Proposed Action alternative received rankings of NO and LOW, indicating little or no potential for contamination impacts.

Natural Resources

Wetlands: Because all the land area located within each alternative would be utilized for construction of the proposed project, all alternatives associated with the project will result in impacts to jurisdictional wetlands. The specific wetland types impacted and acreages vary greatly by alternative. Approximately 20.88 acres of wetlands will be impacted by the Proposed Action Alternatives (1A and 1B) and approximately 9.55 acres by the No-Action Alternatives (2A and 2B). It is expected that mitigation will be required when Section 404 permits are issued for the construction. The type and acreage of jurisdictional wetland impacts associated with each alternative are provided in Tables 4-4 and 4-5 of the EA. Further discussion of potential wetland impacts is provided in Section 4.5.1 of the EA.

Water Quality: The project study area is situated on the Surficial Aquifer, which is an unconfined aquifer classified as Class G-II, and the principal source of potable water in Palm Beach County and south Florida. The South Florida Water Management District (SFWMD) C-18 canal, located along the eastern project limit, is a Class I water used to control surface water and groundwater levels in the area. Wetlands within the JWCWMA are Class III waters.

All of the project alternatives would be designed to include water quality treatment from runoff from the project area prior to discharge to off-site areas per SFWMD 40E-4, Florida Administrative Code (FAC) requirements. Surface water drainage flow patterns would be maintained by the installation of cross-drains at existing ditches, low areas, and wetland areas within the proposed construction area as per SFWMD permit requirements. As discussed in Section 4.5.2 of the EA, no adverse impacts to water quality are anticipated.

Wild and Scenic Rivers: The Loxahatchee River, located approximately 10 miles downstream of the project study area, is a designated Wild and Scenic River. It is also listed as an Outstanding Florida Water. The proposed project is located in sub-basin 4, C-18/Corbett drainage area of the Loxahatchee watershed. As discussed in Section 4.5.3 of the EA, the project is anticipated to not adversely affect the Loxahatchee River; however the proposed canal could improve flows into the Loxahatchee River.

Floodplains: According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the project study area is located within FEMA Zone D (an area of undetermined but possible flood hazards) and Zone X500 (an area inundated by 500-year flooding, an area inundated by 100-year flooding with an average depth of less than one foot or with drainage areas less than one square mile, or an area protected by levees from 100-year flooding). As discussed in Section 4.5.4 of the EA, no floodplain impacts are anticipated with any project alternatives. If SFWMD permitting floodplain impacts are identified during final design, floodplain compensation would be provided per SFWMD requirements.

Wildlife and Habitat: The project alternatives were assessed to determine the types and general condition of natural habitats and man-dominated land uses present within each alternative. Because all the land area located within each alternative would be utilized for construction of the proposed project, all alternatives associated with the project will result in impacts to natural habitats and potentially to wildlife species. The specific habitat types impacted and acreages vary greatly by alternative. Habitat impacts range from approximately 11.55 acres with Alternative 1A to 30.66 acres with Alternative 1B. The habitat types and acreages impacted by each alternative are provided in Tables 4-6 and 4-7 in Section 4.5.7 of the EA.

Each alternative was assessed for the presence of, or the potential use by, Federal and state listed protected species and for the presence of critical habitat. One species listed as endangered by the Service and the Florida Fish and Wildlife Conservation Commission (FWC) (wood stork) has a high probability of occurrence and another species (snail kite) has a moderate probability of occurrence; one species listed as endangered by the Service and threatened by the FWC (red-cockaded woodpecker) has a moderate probability of occurrence; and one species listed as threatened by both the Service and FWC (bald eagle) has a moderate probability of occurrence. Two wood stork rookeries are known to exist within 18.6 miles (the core foraging area) of one or more project alternatives. Two state listed threatened plant species (Bearded grass pink and Catesby's lily) and one state listed endangered plant (rein orchid) have a moderate probability of occurrence. No critical habitat is present within any project alternative.

Prior to the start of project construction, measures will be taken to identify, monitor and protect any listed species observed. It is anticipated that the project will have no effect on the red-cockaded woodpecker or the bald eagle. It is anticipated that the project may affect, but not adversely affect, the wood stork and the snail kite. If any listed plant species are observed, appropriate relocation and/or take permits and approvals will be obtained before construction. Further discussion about threatened and endangered species effects and protection measures is contained in Section 4.5.7 of the EA.

Summary of Direct Effects

The proposed project involves the change in use of two separate tracts of land located within the JWCWMA (Corbett Parcels A and B) totaling 30.0 acres. The change in land use, if approved, would be accomplished through the use of land use easements from the FWC to the County. As a result, 30.0 acres of JWCWMA lands would change from managed conservation lands to man-dominated uses, including roadways, an electrical power substation, a canal/flow way, and canal maintenance area/activities trail.

To compensate for the change in use of the 30.0 acres within the JWCWMA, the County proposes to provide an existing 60.0-acre tract of land located adjacent to the JWCWMA northern boundary. This tract of land is located in Martin County and is known as the Minkin Parcel. The parcel consists of a natural area comprising hydric pine flatwoods, freshwater marsh, and cypress stands. The parcel is listed on the long-term acquisition plan for the JWCWMA.

The 90.0 total acres involved in the land transfer (30.0 acres in the JWCWMA and the 60.0-acre Minkin Parcel) represent approximately 0.1 percent of the total land area in the JWCWMA. The project will not adversely affect the intended recreational and wildlife purposes of the JWCWMA. The project would result in a net increase in size of the JWCWMA by 30.0 acres. Additional discussion about these effects and specific information about the Minkin Parcel are contained in Section 4.5.7.4 of the EA.

Summary of Indirect Effects

As new residences associated with the various developments in the immediate vicinity of the JWCWMA are constructed, the FWC expects an increase in the number of JWCWMA users in the future, likely resulting in increased maintenance costs for infrastructure and staffing. This increase in users would occur with any of the alternatives considered, however, with the Proposed Action, users may be more concentrated along the eastern part of JWCWMA, because the Proposed Action includes a trail along the canal.

With all of the alternatives the current safety buffer for center-fire rifles within one-quarter-mile of the Mecca Farms site may need to be extended north along Seminole Pratt Whitney Road. With the Proposed Action, a buffer will also be required around the proposed electrical power substation. The Proposed Action will also provide an additional 60 acres available for hunting.

At the JWCWMA, maintenance of native communities, control of nuisance and exotic species, and support of listed species and their habitats is conducted through controlled burns. As more smoke sensitive land uses (development) encroach on the JWCWMA, the JWCWMA Controlled Burning Plan includes publicity and communications plans to disseminate information to area residents and businesses about prescribed burning. While an increase in smoke sensitive lands is inevitable, the Proposed Action will increase the proximity of smoke sensitive lands due to the 30 acres of easement within the current boundaries. In instances where prescribed burning may not be feasible, such as near the proposed electrical power substation, mechanical and chemical means of vegetation control may need to be utilized in the flatwoods areas.

The 60,288-acre JWCWMA was established, and is actively managed to provide suitable habitat for a wide array of animal and plant life and provide passive and active recreational opportunities for the citizens of Palm Beach County and Florida. None of these attributes of the JWCWMA will be adversely affected by the Proposed Action or any of the other alternatives.

Summary of Cumulative Effects

As discussed in Section 4.6 and documented in Appendix E of the EA, a Cumulative Effects Analysis was conducted for the project. Cumulative effects (40 CFR Section 1508.7) are defined as the impact on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. These include alterations of wetlands, a change in public access to the JWCWMA, traffic density and patterns, noise, and more. The results of the analysis conducted for the EA indicate that the Proposed Action does not affect the trends in regional development, including the proposed Palm Beach County Biotechnology Research Park (PBCBRP), or suburban encroachment on the JWCWMA.

The proposed development of the PBCBRP is a Development of Regional Impact (DRI), which would occur with or without the proposed JWCWMA land transfer. The County asserts that the PBCBRP will be sited at Mecca Farms, in the same general timeframe and configuration, regardless of the decision about the proposed land transfer. In support of this statement, the County implies that, should the Proposed Action not occur, it would use eminent domain authority to condemn private properties. The myriad of side effects of development of the PBCBRP on the Mecca Farms site includes additional effects on the recreational values at the JWCWMA. The analysis indicates that none of those effects can be attributed to the land transfer proposal, or to any of the alternatives under consideration. This means that our action would be a negligible part of the potential cumulative effects that our scoping has identified.

There are other unassociated DRI and sub-DRI developments located within proximity to the JWCWMA and the PBCBRP. These too would occur with or without the proposed JWCWMA land transfer. Every DRI is required by Florida statutes to identify directly related impacts on resources as well as cumulative impacts. An annual report documents all required mitigation, phases of development, entitlements, and compliance with the Development Order, thus ensuring that all cumulative impacts are mitigated.

PUBLIC INVOLVEMENT

The Service prepared an EA for a land transfer in the JWCWMA. A Notice of Availability was published in the Palm Beach Post on January 10, 2005 to inform the public that the EA was available for review from January 10, 2005 through February 10, 2005 at the following locations: the Royal Palm Beach Branch Library; North County Regional Library; Palm Beach County Facilities Development & Operations Administrative Office; and on the project website.

In addition, a Public Open House was held on Wednesday, February 2, 2005 at the Western Pines Middle School. The Public Open House was held to afford citizens the opportunity to effectively participate in the review of the proposals, learn about them, and express their views concerning the proposed land transfer within the JWCWMA. Aerial photos, conceptual plans, and project information were available for public viewing. Representatives from the County were available to answer questions and receive comments. A total of 39 members of the public signed the attendance sheets at the Open House.

Thirty (30) written comments were received from the public as a result of the Public Open House and the Notice of Availability. Those comments as well as the Service's response to the comments are included in Appendix F of the EA. All comments received were considered, and where appropriate incorporated into the text of the EA.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on my review of the facts and analysis contained in the EA, it is my determination that the proposal does not constitute a major Federal Action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended) (NEPA). This determination is based on the following factors (40 CFR 1508.27):

1. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the human environment.
2. The action will not have a significant effect on public health and safety.
3. The project will not significantly affect any unique characteristics of the geographic area such as proximity to historical or cultural resources, wild or scenic rivers, or ecologically critical areas (see Section 4.0, Environmental Consequences).
4. The effects on the quality of the human environment are not likely to be highly controversial (see Section 4.2.8, Controversy Potential).
5. The actions do not involve highly uncertain, unique, or unknown environmental risks to the human environment (see Section 4.4, Physical Resources).

6. The actions will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration (see Section 4.6, Cumulative Effects and Appendix E).
7. There will be no cumulative significant impacts on the environment. Cumulative impacts have been analyzed with consideration of other similar activities on adjacent lands, in past actions, and in foreseeable future actions (see Section 4.6, Cumulative Effects and Appendix E).
8. The actions will not significantly affect any site listed in, or eligible for listing in the NRHP, nor will they cause loss or destruction of significant scientific, cultural, or historic resources (see Section 4.3, Cultural Resources).
9. The actions are not likely to adversely affect endangered or threaten species, or their habitat (see Section 4.5.7, Wildlife and Habitat and Appendix C).
10. The action will not lead to a violation of Federal, state, or local laws imposed for the protection of the environment (see Section 4.0, Environmental Consequences).

Therefore, I conclude that the Proposed Action would not have a significant impact either by itself or considering the cumulative impacts. Accordingly, the requirements of NEPA, the Council on Environmental Quality (CEQ), and 32 CFR 989, et seq. have been fulfilled, and an Environmental Impact Statement (EIS) is not necessary and will not be prepared.

If you have any questions or comments regarding this Finding of No Significant Impact, please contact Federal Aid Fish and Wildlife Biologist Christine Willis at 404-679-7310.

References:

Environmental Assessment


Regional Director


Date